

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>JOHN RUSSELL HOWALD,</b>  <b>Defendant.</b>	<b>CR 21-04-H-BMM</b>  <b>PRELIMINARY ORDER OF FORFEITURE</b>
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THIS MATTER comes before the Court on the United States’ Motion for Preliminary Order of Forfeiture.

On February 17, 2023, the defendant was found guilty of both charges contained in the superseding indictment. (*See* Doc. 131). Following the guilty verdicts, the parties addressed the superseding indictment’s forfeiture allegation, and the defendant admitted the forfeiture allegation. (Doc. 131). The defendant indicated he did not contest the forfeiture of the items identified in what, at that point in trial, was a proposed forfeiture verdict form.

Per counsel for the United States, one of those items has previously been forfeited administratively (Government Exhibit 5, an AR style rifle recovered

March 24, 2020, with no serial number). Accordingly, no forfeiture is necessary or sought in this proceeding at this time as to that item.

The verdict in this case, the evidence at trial, the defendant's admission to the forfeiture allegation and his agreement as to the particular items previously identified all provide an actual basis and cause to issue an Order of Forfeiture, pursuant to 18 U.S.C. § 924(d).

IT IS ORDERED:

THAT the Defendant's interest in the property identified in Attachment A to this Order is forfeited to the United States in accordance with 18 U.S.C. § 924(d).

THAT the United States Marshals Service and the ATF are directed to seize the property subject to forfeiture and further to make a return as provided by law;

THAT the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 18 U.S.C. §§ 924(d) and 982(b)(1), and 21 U.S.C. § 853(n)(1), and to make its return to this Court that such action has been completed; and

THAT upon adjudication of all third-party interests, if any, the Court will enter a Final Order of Forfeiture.

DATED this 20th day of March 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. The first name "Brian" is written with a large, looped 'B', and the last name "Morris" is written with a large, looped 'M' and a trailing flourish.

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Brian Morris, Chief District Judge  
United States District Court

**ATTACHMENT A – ITEMS SUBJECT TO FORFEITURE**

*D. Mont. CR 21-04-H-BMM*

- Government Exhibit 1 – Four (4) 7.62x39mm cartridge cases recovered on March 22, 2020.
- Government Exhibit 2 – Seven (7) 7.62x39mm cartridge cases recovered on March 22, 2020.
- Government Exhibit 3 – Two (2) rounds of 7.62x39mm ammunition recovered on March 22, 2020.
- Government Exhibit 4 – One (1) fired bullet recovered on March 22, 2020.
- Government Exhibit 6 – Two (2) rifle magazines recovered on March 24, 2020.
- Government Exhibit 7 – Forty-two (42) rounds of 5.56 caliber ammunition recovered on March 24, 2020.
- Government Exhibit 8 – Smith & Wesson Model 657, .41 Remington Magnum caliber revolver (SN ANN1115) recovered on March 24, 2020.
- Government Exhibit 9 – Springfield Armory HS Produkt Model XD-S, .45 ACP caliber pistol (SN XS589025) recovered on March 23, 2020.
- Government Exhibit 10 – Fourteen (14) rounds of .45 caliber ammunition recovered on March 23, 2020.
- Government Exhibit 11 – AK style 7.62x39mm caliber rifle (SN 1983S-AT4293) recovered on April 8, 2020.
- Government Exhibit 12 – One (1) round of 7.62x39 mm ammunition recovered on April 8, 2020.
- Government Exhibit 13—Two (2) rifle magazines recovered on April 8, 2020.
- Government Exhibit 14 – Thirty (30) rounds of 7.62x39mm ammunition recovered on April 8, 2020.
- Government Exhibit 15 – Mossberg Model 100 ATR, 30-06 caliber rifle (SN BA328083) recovered on April 8, 2020.

- Government Exhibit 16 – Four (4) rounds of 30-06 ammunition recovered on April 8, 2020.
- Government Exhibit 17 – Assorted ammunition recovered on April 8, 2020.
- Government Exhibit 18 – Two holsters and one magazine recovered on March 23rd and 24th, 2020.